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Report : Claim of Georgia

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1882.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 270.]

The Committee on Claims, to whom was referred the bill (S. 270) to repay to the State of Georgia \$27,175.50, money advanced by said State for the defense of her frontier against the Indians, from 1795 to 1818, and not heretofore repaid, have considered the same, and respectfully report:

That a bill like this was introduced in the last Congress, and referred by the Senate to this committee.

Mr. Hereford made the following report by authority of the committee:

The Committee on Claims, to whom was referred the bill to repay to the State of Georgia \$27,175.50 for money advanced by said State for the defense of her frontiers against the Indians, from 1795 to 1818, and not heretofore repaid, have had the same under consideration, and make the following report:

The State of Georgia presents an account for money expended in the defense of her frontiers against hostile Indians, as follows:

In the years 1795-1800	\$4,607 00
In the years 1812-1814	16,801 38
In the years 1817-1818	5,766 04

Original vouchers on which Georgia disbursed said sums, except for the first item of \$4,607, were examined by the committee and compared with the account certified to have been paid by the officials of the State of Georgia, stating the number of the warrant, name of the officer, the number of the voucher, page in the treasurer's book, and the amount paid; and the account corresponded with the vouchers in every particular, with the before-mentioned exception. From these proofs the committee find due and unpaid the State of Georgia the sum of \$22,567.42.

The bill was referred to the Secretary of the Treasury, asking whether any of the items contained therein have been paid by any special or general act of Congress, or by any of the proper departments, and if there is any reason why they should not be paid, and the following reply was received, which is made a part of this report:

TREASURY DEPARTMENT, December 15, 1880.

SIR: In reply to your communication of the 11th instant, inclosing bill for the relief of the State of Georgia, and asking to be informed whether any of the items contained therein have been paid by any special or general act of Congress, or by any of the proper departments, and if there is any reason why they should not be paid, I have the honor to inform you that the Second Auditor of the Treasury reports that the claim of the State of Georgia for repayment of \$27,175.50 advanced for the defense of her frontier against Indians from 1795 to 1818 has not been paid through his office; that the greater portion of the time covered by the account is prior to the organization of his office (March 3, 1817), and that the records thereof do not afford any information bearing upon the validity of the claim. Further, that the Third Auditor reports that the records of his office do not show that the said claim has been paid, or the claim been filed since it was withdrawn March 4, 1858, and invites attention to the letter of

his office of January 22, 1880, in relation to the subject, a copy of which is inclosed herewith.

The papers accompanying your letter are returned herein.

Very respectfully,

JOHN SHERMAN,
Secretary.

HON. FRANK HEREFORD,
United States Senate.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., January 22, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, requesting information relative to the claim of the State of Georgia for militia expenses from December, 1795, to August, 1827.

In reply I have to state that it appears from the records of this office that William M. Varnum, esq., as agent for the State of Georgia, filed in this office a claim for payment to certain commissioned officers from 1795 to 1818, on the 16th of February, 1858 (No. 2862). On the 23d of February, 1858, the agent withdrew vouchers numbered 43, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 75, for payments of services since 1815, for reference to the Second Auditor. These vouchers (pay-rolls) amounted to \$10,718.26.

The whole amount filed February 16, 1858, was \$49,056.39, and the balance of the claim was withdrawn from this office March 4, 1858, by said agent, as will more fully be seen by reference to the letter of this office to him of that date herewith inclosed, marked Exhibit A. There is no evidence on file in this office that the State of Georgia has since that time presented these claims, for settlement, to the accounting officers of the Treasury.

The claims withdrawn by the agent for reference to the Second Auditor have not been returned to this office, and this office has no official knowledge of the action of the Second Auditor thereon. The certified copy of abstract and letter of Hon. R. J. Atkinson, dated March 4, 1858 (marked Exhibit A), herewith returned.

I am, very respectfully,

E. W. KEIGHTLEY,
Auditor.

W. O. TUGGLE,
Agent for the State of Georgia, Washington, D. C.

That the protection of the several States and the citizens thereof from Indian hostilities is, and has been from the organization of the Federal government, a duty and a charge incumbent on the United States, and when, in the absence of such protection, the State themselves have made necessary expenditures for this purpose they should be reimbursed, are principles well founded in law and justice and fully sanctioned by an unbroken line of precedents.

As the original vouchers for the expenditure of \$4,607, in the years 1795 to 1800 inclusive, were not furnished to the committee, said sum is not allowed.

The committee recommend the passage of the bill with the following amendments: Strike out "\$27,175.50" and insert "\$22,567.42," also strike out "1795" and insert "1812."

It appears from the papers accompanying the bill that the original vouchers were mislaid, and only discovered during the administration of Gov. J. E. Brown, in 1857; that they were forwarded and presented for payment, and were pending before Congress in 1861, and by order of the Senate in January, 1879, the vouchers and papers were delivered to the agent of the State of Georgia.

We adopt Mr. Hereford's statement of the facts, but, for greater security in the case of a claim so old, we prefer to recommend a bill providing that the claim be audited in the Treasury Department before payment.

We therefore report the accompanying bill as a substitute for Senate recommend its passage.